srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6004 OF 2007.

M. C. Babu. ..Petitioners.
Versus.
Cidco & Industrial Development
Corporation of Maharashtra Ltd & Ors...Respondents.

L. H. Patil i/b P. V. Nelson Rajan for the petitioner.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.
DATE: AUGUST 21, 2007.

P.C.

1. Heard learned counsel for the petitioner. By offer letter dated 23rd February 2006 respondent offered to allot the suit plot to the petitioner. According to the respondent no.1, on account of the breaches committed by the petitioner and in particular non payment of the first instalment the allotment was cancelled and the plot has been allotted to somebody else. The petitioner has filed this petition seeking a direction of quashing the cancellation of the allotment in his favour and for sanction of a building plan. However, we find that since the lease has not been executed in favour of the petitioner, the petitioner has no locus to file the present writ petition. The disputed questions of facts are involved in the present petition. The petitioner is at liberty to file a suit for specific performance for execution of lease in his favour. The disputed questions of facts can be decided in such suit, if filed. With these observations the petition is rejected summarily.

(D.G.KARNIK, J.) (S.B.MHASE, J.)